

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kenneth J. Evans
Karen A. Evans
Debtor(s)

Bankruptcy Case No.: 17-10545-TPA
Per November 28, 2017 Proceeding
Chapter: 13
Docket No.: 28 – 11, 23
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 4, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Citizens Bank (Claim No. 4) and Internal Revenue Service (Claim No. 3) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kenneth J. Evans
 Karen A. Evans
 Debtors

Case No. 17-10545-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 29

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db/jdb
 14632208 +Kenneth J. Evans, Karen A. Evans, 5218 Woodbridge Ct., Erie, PA 16509-2592
 14632209 +AT&T Universal Card, PO Box 6235, Sioux Falls, SD 57117-6235
 14632210 #+Bank Of America, Nc4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012
 14632211 +Capital One, Attn: Bankruptcy, PO Box 30253, Salt Lake City, UT 84130-0253
 14632212 +Chase Card Services, Attn: Correspondence, PO Box 15278, Wilmington, DE 19850-5278
 14635731 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
 14647472 +Citizens Bank, N.A., f/k/a RBS Citizens, N.A., 10561 Telegraph Road,
 Glen Allen, VA 23059-4577
 14632214 +Comenity Bank/Victoria Secret, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 14632213 Comenity Bank/the Buckle, PO Box 18215, Columbus, OH 43218
 14632215 +Comenitybank/bonton, 3100 Easton Square Pl, Columbus, OH 43219-6232
 14707011 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14632219 Northwest Savings Bank, 2 Liberty St, Warren, PA 16365
 14632220 +RBS Citizens Cc, 1 Citizens Dr, Ms: Rop 15b, Riverside, RI 02915-3019
 14632488 +Toyota Motor Credit, PO Box 105386, Atlanta GA 30348-5386
 14654880 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14632225 +Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14632211 Fax: 888-777-2057 Dec 06 2017 02:14:27 Cco Mortgage Corp., 10561 Telegraph Rd,
 Glen Allen, VA 23059
 14638414 E-mail/Text: mrdiscen@discover.com Dec 06 2017 01:59:06 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14632216 +E-mail/Text: mrdiscen@discover.com Dec 06 2017 01:59:06 Discover Financial, PO Box 3025,
 New Albany, OH 43054-3025
 14632217 E-mail/Text: cio.bncmail@irs.gov Dec 06 2017 01:59:12 Internal Revenue Service,
 Insolvency Unit, PO Box 628, Pittsburgh, PA 15230
 14632218 +E-mail/Text: bnckohlsnotices@becket-lee.com Dec 06 2017 01:59:10 Kohls/Capital One,
 Kohls Credit, PO Box 3043, Milwaukee, WI 53201-3043
 14696924 +E-mail/Text: bankruptcydpt@mcsmcg.com Dec 06 2017 01:59:37 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14707624 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:52
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14632874 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:52
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14667889 E-mail/Text: bnc-quantum@quantum3group.com Dec 06 2017 01:59:18
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14632221 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:56:21 Synch/Toys 'R' Us,
 PO Box 965064, Orlando, FL 32896-5064
 14632222 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:55:48 Synchrony Bank/Care Credit,
 Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 14632223 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:56:21 Synchrony Bank/Sams Club,
 Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 14632224 +E-mail/PDF: gecsedirecoverycorp.com Dec 06 2017 01:55:48 Synchrony Bank/TJX,
 Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Citizens Bank, N.A. f/k/a RBS Citizens, N.A.
 cr Toyota Motor Credit Corporation
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14632226* +AT&T Universal Card, PO Box 6235, Sioux Falls, SD 57117-6235
 14632227* +Bank Of America, Nc4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012
 14632229* ++CCO MORTGAGE CORP, 10561 TELEGRAPH RD, GLEN ALLEN VA 23059-4577
 (address filed with court: Cco Mortgage Corp., 10561 Telegraph Rd, Glen Allen, VA 23059)
 14632228* +Capital One, Attn: Bankruptcy, PO Box 30253, Salt Lake City, UT 84130-0253
 14632230* +Chase Card Services, Attn: Correspondence, PO Box 15278, Wilmington, DE 19850-5278
 14632232* +Comenity Bank/Victoria Secret, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 14632231* Comenity Bank/the Buckle, PO Box 18215, Columbus, OH 43218
 14632233* +Comenitybank/bonton, 3100 Easton Square Pl, Columbus, OH 43219-6232
 14632234* +Discover Financial, PO Box 3025, New Albany, OH 43054-3025
 14632235* Internal Revenue Service, Insolvency Unit, PO Box 628, Pittsburgh, PA 15230
 14632236* +Kohls/Capital One, Kohls Credit, PO Box 3043, Milwaukee, WI 53201-3043
 14632237* Northwest Savings Bank, 2 Liberty St, Warren, PA 16365
 14632238* +RBS Citizens Cc, 1 Citizens Dr, Ms: Rop 15b, Riverside, RI 02915-3019
 14632239* +Synch/Toys 'R' Us, PO Box 965064, Orlando, FL 32896-5064
 14632240* +Synchrony Bank/Care Credit, Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 14632241* +Synchrony Bank/Sams Club, Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 14632242* +Synchrony Bank/TJX, Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 14687840* +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14632243* +Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053
 TOTALS: 2, * 20, ## 0

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 29

Date Rcvd: Dec 05, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Mary F. Kennedy on behalf of Creditor Citizens Bank, N.A. f/k/a RBS Citizens, N.A.
mary@javardianlaw.com, tami@javardianlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Debtor Kenneth J. Evans rebeka@seelingerlaw.com
Rebeka Seelinger on behalf of Joint Debtor Karen A. Evans rebeka@seelingerlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6